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8
9 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 **JESSE MOSLEY**, an individual,
11 Plaintiff,

12 vs.

13 **MERCURY CASUALTY COMPANY**, a California
14 corporation,
15 Defendant.

Case No.: 2:16-CV-01802-JAD-PAL

**PLAINTIFF AND DEFENDANT'S JOINT
MOTION TO MODIFY THE DISCOVERY PLAN
AND SCHEDULING ORDER AND TO EXTEND
THE DISCOVERY DEADLINE AND OTHER
DEADLINES SET FORTH THEREIN**

SECOND REQUEST

16
17 Plaintiff, **JESSE MOSLEY** an individual, by his attorneys, Steven J. Parsons and Joseph
18 N. Mott of LAW OFFICES OF STEVEN J. PARSONS, and **MERCURY CASUALTY COMPANY**, a California
19 corporation, by and through its attorney, BENJAMIN J. CARMAN OF RANALLI ZANIEL FOWLER & MORAN,
20 LLC, and, pursuant to LR IA 6-1 and LR II 26-4, said Plaintiff and the Defendants (comprising
21 all of the parties hereto), hereby jointly move this Court for an Order to Modify the most recent
22 Order (Doc. #15), which set forth this Court's Discovery Plan and Scheduling Order
23 (hereinafter the "Prior Scheduling Order"), in order to allow the parties an additional ninety (90)
24 day extension beyond the current discovery deadline of May 18, 2017, until August 16, 2017,
25 to complete discovery herein. Parties also hereby jointly move for an additional ninety (90) day
26 extension with respect to all other dates set forth in the most recent Prior Scheduling Order
27 (Doc. #15) beyond the deadlines set forth therein.

1 This Motion is filed for good cause shown as set forth below. Certain of the requests
2 herein are not made more than 21 days before the expiration of any deadline sought to be
3 extended herein, as normally required by LR II 26-4 (namely the expert disclosures deadline),
4 but any such late submission is made for good cause.

5 **A. A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**
6 **COMPLETED:**

- 7 1. Defendant's Initial Disclosure, pursuant to FRCP 26(f);
- 8 2. Plaintiff's Initial Disclosures, pursuant to FRCP 26(f);
- 9 3. Defendant's First Set of Request for Admissions to Plaintiff;
- 10 4. Defendant's First Set of Interrogatories to Plaintiff;
- 11 5. Defendant's First Set of Requests for Production of Documents to Plaintiff;
- 12 6. Plaintiff's First Set of Request for Production of Documents to Defendant;
- 13 7. Plaintiff's First Set of Interrogatories to Defendant;
- 14 8. Plaintiff's Second Set of Interrogatories to Defendant;
- 15 9. Defendant's Designation of Expert Witnesses.

16 **B. A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**
17 **COMPLETED:**

- 18 1. Depositions of the Person Most Knowledgeable from Plaintiff's medical providers
19 relevant to treatment rendered to Plaintiff since the date of this accident;
- 20 2. Defendant to obtain medical records and bills regarding the Plaintiff;
- 21 3. Second sets of written discovery by both Plaintiff and Defendant;
- 22 4. Deposition of Plaintiff;
- 23 5. Deposition of Mercury's FRCP 30(b)(6) witnesses;
- 24 6. Deposition of Defense Experts;
- 25 7. Deposition of Plaintiff Experts.

26 **C. THE REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**
27 **WITHIN THE TIME LIMITS SET BY THE DISCOVERY ORDER**

1 Plaintiffs lead counsel, Steven J. Parsons, was suffering with serious medical issues
 2 throughout December, including a surgery, and is presently dealing with serious personal
 3 medical issues that have required two surgeries, hospitalizations, and now a course of
 4 intravenous antibiotics administered by a home health nurse. Due to Mr. Parsons' illness, he
 5 has only been in his office approximately two days in the past six weeks. This absence, as well
 6 as the holiday season, affected the parties' attempts to have substantive discussions regarding
 7 settlement and discovery issues; and the Plaintiff's ability to prosecute his claims. To avoid
 8 additional delay as a result of Mr. Parsons' health, his associate Joseph N. Mott is now
 9 stepping in as lead counsel until Mr. Parsons is able to return to the office.

10 The parties believe that a modest addition of ninety days will accommodate both parties
 11 sufficiently to conclude the discovery that remains in this matter.

12 **D. A PROPOSED SCHEDULE FOR COMPETING ALL REMAINING DISCOVERY:**

13 Based on the foregoing, the parties hereby propose the following schedule for
 14 completing all remaining discovery:

		Old Deadline	New Deadline
15			
16	• Deadline to Complete Discovery	05/18/2017	08/16/2017
17	• Expert Disclosures (P)	02/16/2017	05/17/2017
18	• Expert Disclosures (D)	03/20/2017	06/19/2017
19	• Rebuttal of Experts (P)	03/20/2017	06/19/2017
20	• Rebuttal of Experts (D)	04/18/2017	07/17/2017
21	• Dispositive Motions Due	06/19/2017	09/17/2017

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Based on the foregoing, the parties respectfully request that the Court extend the discovery deadlines as recommended above for the good cause shown above.

Dated: February 14, 2017.

Dated: February 14, 2017

LAW OFFICES OF STEVEN J. PARSONS

RANALLI ZANIEL FOWLER & MORAN, LLC

/s/ Joseph N. Mott
JOSEPH N. MOTT
Nevada Bar No. 12455

/s/ Benjamin J. Carman
BENJAMIN J. CARMAN
Nevada Bar No. 12565

Attorneys for Plaintiff
JESSE MOSLEY

Attorney for Defendant
MERCURY CASUALTY COMPANY

ORDER

IT IS SO ORDERED.

Dated: February 22, 2017



U.S. DISTRICT/MAGISTRATE JUDGE